



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 3, 2016

VIA ECF AND HAND

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **United States v. Edwin Acety**
S1 15 Cr. 369 (GHW)

Dear Judge Woods:

The defendant is scheduled to be sentenced on November 10, 2016 for violating the Arms Export Control Act (“AECA”). The defendant’s United States Sentencing Guidelines (“Guidelines” or “U.S.S.G.”) range, as calculated by the Probation Department and as the parties stipulated in the plea agreement, is 33 to 41 months’ imprisonment (the “Stipulated Guidelines Range”). The Government respectfully submits this letter to assist the Court in determining the appropriate sentence in this case.

I. Background

AECA authorizes the President to restrict the export of certain “defense articles” when doing so is critical to the national security or foreign policy interests of the United States. (Presentence Investigative Report (“PSR”) ¶ 12). Defense articles are items that are specifically designed and developed for military use, which are placed by the President on a controlled list – known as the United States Munitions List (“USML”). Items on the USML may not be exported from the United States without a valid license issued by the State Department. *Id.*

From approximately December 2011 through at least 2014, the defendant assisted his co-defendant, Alex Bryukhov, in evading that ban by exporting defense articles from the United States to Russia. Specifically, the defendant purchased approximately 50 night vision goggles for Bryukhov from various online vendors. PSR ¶¶ 21-23. Bryukhov paid the defendant approximately \$200 for purchasing each of these items, which Bryukhov then exported or attempted to export to Russia. At no time did Bryukhov or Acety possess a license that permitted them to export these items.

On August 2, 2016, the defendant pled guilty before Your Honor, pursuant to a plea agreement, to Count Two of the Superseding Information, which charged the defendant with violating the AECA—specifically, exporting and attempting to export from the United States items on the United States Munitions List without obtaining a required license, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 123.1 and 127.1. (PSR ¶ 7.)

II. The Defendant's Attempts to Cooperate

Following his arrest, the defendant met with the Government on four separate occasions in an attempt to cooperate. The defendant provided substantial information about his own conduct and that of his co-defendant. The defendant was forthcoming and credible. Although the Government did not enter into a cooperation agreement with the defendant, it was largely because the defendant's limited involvement in the offense meant he did not know or could not provide information about other potential targets of the Government's information.

Respectfully submitted,

PREET BHARARA
United States Attorney

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cc: Sabrina Shroff, Esq.